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# NOTE ON INTERNATIONAL PROTECTION

## I. INTRODUCTION

1. The Note on International Protection is traditionally the means by which attention is drawn to major protection challenges over the previous year and the manner in which they have been addressed. In this, the 50th anniversary year of the Office of UNHCR, the particular focus of the Note is on how UNHCR strives to meet these challenges -- by which means and with which tools -- in fulfilling its mandate responsibility for international refugee protection. The common theme running through this year's Note is how protection can be operationalized, or made more effective through concrete activities.

2. UNHCR's international protection function has evolved greatly over the past five decades from being a surrogate for consular and diplomatic protection to ensuring the basic rights of refugees, and increasingly their physical safety and security. While the main responsibility for safeguarding the rights of refugees lies with States, UNHCR's statutory role is to assist governments to take the necessary measures, starting with asylum and ending with the realization of durable solutions.

3. In fulfilling its mandated responsibility to ensure international protection to refugees and to work with States to find solutions to their problems, UNHCR has had to contend with a rapidly changing and complex environment in which the -- real or perceived -- political, security, economic and social costs of hosting refugees have affected the willingness and capacity of States to receive refugees. On the one hand, the proliferation of internal and inter-state conflicts has continued to produce new outflows in the past year, particularly in Africa, while on the other, solutions to many large-scale and long-standing refugee situations have remained elusive. Problems of illegal migration, smuggling and trafficking of persons in some parts of the world, and the security dimensions of refugee problems in some other regions, have compounded the situation, leading

increasingly to politicization of the institution of asylum, and in some states, to a tendency to criminalize refugees and asylum-seekers.

4. Against this difficult background, the nature and content of UNHCR's international protection function has come under increasing scrutiny. The Office is frequently asked what its international protection mandate actually entails, especially when exercised in fragile host States or countries of origin. Some States are challenging the exercise by UNHCR of its statutory and hence mandatory protection responsibilities. In situations of large-scale influx, international assistance to affected States has increasingly overshadowed issues of international protection, causing confusion over the relationship between protection and assistance. To complicate matters further, a plethora of varying notions of protection has emerged recently in the international debate. In view of all this, there is a need to demystify protection and clarify its content. International protection is not an abstract concept. It is a dynamic and action-oriented function. It encompasses a range of concrete activities, covering both policy and operational concerns, and is carried out, in cooperation with States and other partners, with the goal of enhancing respect for the rights of refugees and resolving their problems.

5. This Note examines UNHCR's organizational practice around four principal protection challenges confronting the Office: (a) ensuring the availability and quality of asylum; (b) revitalizing the refugee protection system; (c) promoting durable solutions from a protection perspective and engaging in in-country protection activities; and (d) fostering partnerships in support of the international refugee protection system.

## II. AVAILABILITY AND QUALITY OF ASYLUM

### A. Background

6. Access to safety, as well as continued protection in host countries, remain vital for the world's refugees. Many States, often those with the most limited resources, have continued to admit and host large refugee populations in their territories. The quality of asylum has, however, deteriorated in a number of countries, including in several regions with a tradition of generous asylum policies. The reasons underlying this change include the economic and social difficulties of hosting large refugee populations, national security considerations, as well as concerns about the use of asylum procedures by illegal migrants, and trafficking and smuggling of persons.

7. While a general trend of tightening borders is discernible throughout the world, there are many regional differences. In some regions, refugee camps have remained particularly prone to politicization and militarization, especially when close to the border with the country of origin. The presence of armed elements in camps and refugee-populated areas has posed serious security risks and their separation from refugee populations has proven to be extremely difficult. Instances of forced conscription of refugees, often minors, the trafficking of refugee women, and beatings and mistreatment by officials have been reported in camps in some countries. The vulnerability of women refugees to sexual violence and of refugee children to exploitation and abuse are particularly disturbing. In some regions, problems have

persistently arisen with regard to the safe and unhindered admission of refugees to countries of asylum. Instances have also occurred where refugees and asylum-seekers were *refouled*, or repatriated against their will, although there was a clear risk to their safety upon their return.

8. In countries with legally sophisticated asylum systems, concerns about the trafficking and smuggling of persons have led to the introduction of tighter control measures. Recent legislative changes have been built around migration control, the method of arrival, and limiting safeguards for asylum-seekers. Often, these changes, coupled with a range of border control measures, do not distinguish between those seeking asylum for protection reasons from others. Preserving the right to seek asylum remains, however, imperative. Policies of deterrence have also blurred distinctions between refugees and economic migrants while stigmatizing refugees as people trying to circumvent the law. Once refugees reach safety, their often prolonged detention remains a concern in a number of countries.[1] Rigid time-limits for filing asylum applications or differential treatment for refugees depending on the method of arrival or the ethnic origin of the applicant have been instituted over the past year. Of particular concern has been the treatment of separated and unaccompanied children and family groups held in detention. Equally, in the area of family reunification,[2] practices in a number of countries have made it impossible for family members to be reunited, which has impacted negatively both on their longer-term integration prospects and on their capacity in the short term to adjust to their new situations.

## B. Operational activities to strengthen asylum

9. Against this background, the challenge of international protection is to secure admission, asylum, and respect by States for basic human rights, including the principle of *non-refoulement*.

### Receiving asylum-seekers and refugees

10. UNHCR has undertaken various operational measures to enhance the capacity of States to receive and protect refugees. Active monitoring by UNHCR through its field presence, backed by a range of operational activities described below, has been instrumental in these endeavours. Field presence was quickly established in a number of locations faced with large-scale influx to assess the well-being of refugees, including their personal security needs in reception centres, camps or refugee-populated areas. UNHCR has worked, often successfully, to ensure that governments take the necessary action to identify and protect all persons deemed to be in need of international protection, including persons seeking admission at their borders who may be refugees. In a number of countries, UNHCR has established special monitoring arrangements at the frontier. Roving protection teams have been dispatched to areas where refugees were expected to arrive, while in some countries UNHCR has involved the host communities in border areas in

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[1] UNHCR drew attention to the increasing institutionalization of this practice in its *Note on Detention of Asylum-Seekers and Refugees* (EC/49/SC/CRP.13) presented to the Standing Committee's 15th meeting, stressing that much remains to be done to improve conditions, to end mixing asylum-seekers with criminal detainees, explore alternatives to detention and alleviate the hardship imposed on families.

[2] See *Note on Family Protection Issues* (EC/49/SC/CRP.14), presented to the Standing Committee's 15th meeting.

the design, implementation and monitoring of reception activities, for instance, by creating local refugee reception committees. In other situations, UNHCR has provided support to host families to accommodate refugees. Involving the host communities has not only helped to ensure the proper reception of refugees but also to sensitize the local population, thus reducing tensions and increasing their acceptance. Since registration and documentation are crucial both for identification and protection purposes, especially in the sensitive admission and reception phase, UNHCR has supported a number of States in setting up registration and documentation systems, using modern technology. This has helped to prevent *refoulement* and to design assistance programmes based on precise data.

11. In turn, appropriate assistance programmes have greatly facilitated the exercise of UNHCR's protection function, particularly in addressing immediate needs upon arrival and in facilitating ongoing dialogue with government counterparts. UNHCR's assistance programmes have, by definition, a protection dimension. Choices made in assistance sectors, from camp design and layout, distribution of humanitarian relief items to longer-term programmes to help refugees remain in host countries, have had manifest and profound protection implications, especially in those countries faced with new refugee arrivals over the past year. Material assistance was an essential factor in the realization of basic refugee protection ranging from respect for physical integrity and freedom of movement to adequate living standards, including non-discriminatory access to humanitarian assistance, health care, education and employment.

12. The effectiveness of these and other operational protection activities, as described below, hinges to a large extent on prompt and unhindered access by UNHCR to refugees and asylum-seekers, even when they are detained. However, denial of access by States, insecurity, as well as funding constraints affecting staff deployment, have seriously hampered UNHCR's ability and capacity to monitor, report on and follow up its interventions with governments in a number of countries.

Intervening with authorities

13. Making representations to governments and other relevant actors on protection concerns is another part of UNHCR's operational protection activities in countries of asylum. It would indeed be difficult to quantify the many formal and informal interventions by UNHCR with authorities at all levels that occur on a daily basis to improve the admission, reception and treatment of refugees. Such interventions range from regular contacts with government counterparts to formal representations. In a number of countries, a monthly "*jour fixe*" with high-level government counterparts was instituted to address protection concerns as they arose. Interventions range from admission and reception to standards of treatment and regularization of stay or return. In one country, painstaking negotiations and sustained representations resulted in an agreed, written understanding on screening procedures and appropriate standards of treatment. A number of high-level missions were also undertaken to countries where there was either a stalemate in the pursuit of durable solutions or a particularly difficult protection situation. As a result, some situations were resolved or at least stabilized. UNHCR's protection representations have involved a broad range of actors. In a welcome development in several countries, UNHCR was

requested to make submissions to parliamentary committees on issues relating to refugee law. Bringing the various governmental and non-governmental actors together is another important factor, as demonstrated in one country in Southern Africa where, in a difficult emergency situation, UNHCR organized a roundtable for government officials, military personnel and operational partners. This approach enabled the conclusion of an agreement on a whole spectrum of action-oriented protection issues related to a large-scale influx.

Ensuring physical safety

14. The issue of maintaining the civilian and humanitarian character of refugee camps and settlements, and ensuring the physical safety of refugees, led UNHCR to develop the concept of the "ladder of options", or a variety of approaches to deal with varying degrees of insecurity.[3] Recognizing that host States might not always have the capacity to establish and maintain the rule of law in refugee-populated areas, UNHCR has sought to mobilize international resources to strengthen the national and local law-enforcement capacity. In one country, for instance, UNHCR developed a "security package" to assist the police in maintaining the civilian character of the refugee camps and, generally, to ensure respect for law and order. With respect to security in and around camps in two other countries, special efforts were made to promote the increased participation of refugees in ensuring their own security including the hiring of female refugee guardians. Faced with a large-scale influx, early action by one country to separate combatants from refugees, helped to maintain the civilian nature of camps and to reduce incidents of cross-border attacks, banditry and sexual violence. However, experience in several other countries underlined the importance of monitoring by UNHCR of the process of separation to ensure it was conducted in a humane way with due care for the safety of the refugee population, and avoided stigmatization. In addition, UNHCR has made efforts in a number of countries to relocate refugees away from the border to enhance their security. However, such action was often fraught with difficulties due to a range of circumstances beyond UNHCR's control. Indeed, ensuring the physical safety of refugees remains a major protection challenge, as recent experience has shown. The international community will need to enhance its political and material commitment in this area if the many physical security concerns of refugees are to be addressed effectively.

Protecting women, children and the elderly

15. Women, children, adolescents, and the elderly have been accorded special and priority attention, from a protection perspective, to ensure that their needs are mainstreamed in the planning and implementation of UNHCR operations. A particular means of enhancing the protection of refugee women has been to encourage their active participation in the design and implementation of programmes, for instance, by ensuring their representation in committees for the distribution of relief items or for social services. In one country, elected refugee counselling boards, which include female members, have been established to resolve disputes, including domestic and marital disputes, which cannot be handled at the family or local community

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[3] See *Note on the Security and Civilian and Humanitarian Character of Refugee Camps and Settlements* (EC/49/SC/INF.2), presented to the Standing Committee's 14th meeting.

levels. UNHCR has strengthened their skills through training, including training on gender equality. Women's centres have also been established in refugee camps in a number of countries. Group sessions in these centres made women aware of their rights and encouraged them to take a more active role in the delivery of protection and assistance. These rights-awareness initiatives were complemented by cross-sectoral teams involving UNHCR, its operational partners and government officials specifically to address the protection risks of refugee women in camp settings.

16. UNHCR also funded lawyers' networks and legal clinics in several countries to provide legal assistance, social counselling and advice to asylum-seekers and refugees, targeting refugee women. Another interesting model is the Afghan Gender Equity Programme, framed to address protection considerations within an inter-agency framework both in host countries and in the country of origin, in order to give coherence to a broader international strategy. Its objective is to support Afghan refugees and returnees, giving particular attention to the protection needs and aspirations of women through community-based initiatives.

17. The physical security of women, particularly their protection from sexual violence and other forms of gender-based abuse, remains an important concern in many refugee situations. In an effort to combat violence against refugee women in Africa, UNHCR undertook five pilot projects aimed at raising awareness of the problem among refugee communities, and at addressing specific gender-based protection problems of refugee women. Training law enforcement officials and organizing women's support groups were also included in the projects. While there has been some progress, important lessons now need to be drawn through the evaluation of these projects. In some operations measures have also been taken to protect women against harmful traditional practices, including female genital mutilation, ranging from sensitization sessions with traditional midwives to more comprehensive programmes involving training, capacity-building and advocacy through information, education and communication.

18. Addressing the protection needs of refugee children also remains a key priority for UNHCR.[4] As a result of follow-up activities to implement the United Nations Study on the Impact of Armed Conflict on Children (the Machel study), special efforts were made to focus on the plight of unaccompanied and separated children. Significant results were achieved in the Great Lakes region of Africa between 1994 and 1999, where close inter-agency collaboration involving UNHCR and the ICRC ensured the successful reunification of some 62,000 Rwandan unaccompanied and separated children. In 1999, UNHCR and Save the Children implemented a project seeking to ensure respect for the rights and best interests of separated children and adolescents arriving in Europe. This project has combined advocacy, training and public awareness activities. In collaboration with Save the Children, UNHCR has also developed and is implementing the Action for the Rights of the Children (ARC) project, a capacity-building and training initiative for staff of UNHCR and government and NGO partners. Another inter-agency effort, including UNHCR, seeks to develop capacities for a coordinated response in emergencies to address, *inter alia*, problems of separation. One interesting

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[4] See *Progress Report on Refugee Children and Adolescents* (EC/50/SC/CRP.7), presented to the Standing Committee's 17th meeting.

model of joint efforts in this area is a project for separated refugee children in Guinea. In collaboration with the authorities, UNHCR and one of its operational partners are seeking durable solutions for these children through a tracing and family reunification programme. In cases where, despite best efforts, tracing is not successful and family reunification is not possible, the operational partner will work together with an international human rights NGO and its national Guinean partner to explore legislative options for local integration. Another key protection concern is access to education. Initiatives were implemented to provide refugee children with primary education and, where necessary, psychosocial support, including through play therapy programmes. In a number of countries, UNHCR successfully intervened to ensure access to education, for instance, by providing limited financial funding. Whenever possible, projects targeting refugee children, such as the Peace Education Initiative, have been streamlined into existing programmes.

19. The commemoration of 1999 as the International Year of Older Persons provided UNHCR with an opportunity to examine new approaches to meet the various protection needs of elderly refugees. In one region, UNHCR identified and addressed special protection problems of older refugees related to their pension rights. In several regions, UNHCR has also supported the work of the elderly in peace-building initiatives. In the context of the Policy on Older Refugees,[5] UNHCR is developing operational guidelines to address protection as well as assistance needs of older persons of concern to UNHCR, in a gender-sensitive manner to ensure equality of access to services and facilities. Emphasis in protecting and assisting elderly refugees will focus on the role of family units in addressing their specific needs.

Promoting national legislation and asylum procedures

20. The adoption of national refugee legislation remains key to strengthening asylum and rendering protection effective. UNHCR's involvement in this area stems from its international protection function, and especially from its supervisory responsibility.[6] Governments have regularly solicited and UNHCR regularly has provided comments on draft refugee legislation, related administrative decrees, and other legislation affecting the situation of refugees or asylum-seekers in a number of countries. The aim of UNHCR's intervention has been to ensure consistency with international refugee law and standards.

21. More specifically, in Central and Eastern Europe, in Central Asia and in many parts of Africa and Latin America, UNHCR assisted States in their efforts to establish national procedures to handle refugee and asylum issues. The assistance included training of government officials (an estimated 1,000 training events globally in the past year); support for the establishment of registration systems; and, in some countries, limited but targeted financial

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[5]See UNHCR's Policy on Older Refugees (EC/50/SC/CRP.8, Annex II) as endorsed at the Standing Committee's 17th meeting.

[6]This responsibility is contained in paragraph 8 of UNHCR's Statute. The right and duty on the part of UNHCR to monitor and to intervene corresponds to States' treaty obligations in this area, as foreseen by Articles 35 and 36 of the 1951 Convention relating to the Status of Refugees, Article II of the 1967 Protocol and Article VIII of the OAU Refugee Convention.

and material support, including office equipment and repair of basic infrastructure. To promote best practice, UNHCR organized visits by government officials to countries with asylum procedures that are more developed than in their own countries. The impact was highly positive: several countries subsequently adopted equitable laws or improved their management of protection structures. In many parts of the world, however, national laws and structures for providing asylum and refugee protection are still lacking. An important activity for UNHCR has therefore been the promotion and advocacy of basic legal frameworks for refugees. This advocacy work has often included sensitizing the judiciary, members of the bar, eminent persons, parliamentarians and members of the security and border forces. An interesting strategy in one region has been to engage eminent personalities from civil society to promote a model national law, in an effort to harmonize regional practices.

22. An important focus of promotional activities has been in the non-governmental sector. In Central Asia and Central and Eastern Europe, UNHCR helped to develop the capacity of local agencies to provide counselling and assistance to asylum-seekers and refugees. In Kyrgyzstan, for instance, the Office supported the Young Lawyers' Association in their legal representation and counselling activities for refugees and stateless persons by providing modest operational, material, and training support.

23. In Europe, the Phare Horizontal Programme on Asylum, represents a novel approach to strengthening asylum. Financed by the European Commission, it involves a partnership between seven European Union member States, the European Commission and ten Central European and Baltic States, as well as UNHCR. Over a period of two years, the programme supports these States in developing asylum systems that are fully compatible with international and regional refugee law standards. Based on an analysis of the current state of the asylum systems in each country, a National Action Plan is established and sets out the necessary legislative revisions, changes of practice, institutional improvements needed, as well as any donor support required to set in train these changes. UNHCR has actively participated in the management of this programme, designing and participating in roundtables on the international legal framework involving Associated States of the European Union.

Participating in national refugee status determination procedures

24. Continued involvement in national refugee status determination procedures has enabled UNHCR to monitor the implementation of the 1951 Convention and 1967 Protocol. In most States, UNHCR played an advisory role in the procedures. UNHCR was notified of asylum applications, guaranteed access to files and decisions, and was entitled to submit its observations. In some countries UNHCR was part of the appeals body reviewing negative asylum decisions. In several countries UNHCR was more substantially involved in special procedures at the airport, or in expulsion and deportation procedures affecting recognized refugees.

Undertaking determination of refugee status

25. When a State is not a party to international refugee instruments (or has maintained the geographical limitation), or has not established the

relevant procedures, UNHCR carried out refugee status determination under its mandate. This is a critical first step in meeting the protection needs of individuals requiring international protection. However, UNHCR's ability to ensure the protection of and solutions for those persons recognized as refugees under its mandate has to depend on the commitment of States, particularly the host States. Examples of this cooperation were reported in a few countries where UNHCR refugee certificates were endorsed by the local authorities, thus regularizing the stay of certain refugee groups. At Headquarters, UNHCR has established a project to strengthen the capacity of its field offices to conduct refugee status determination in a consistent and harmonized manner, and to assist their government counterparts with this procedure. To clear backlogs of cases awaiting refugee status determination, additional protection staff were deployed to strengthen UNHCR offices in four countries. Standard tools, procedures, guidelines and training modules are also being developed to improve and accelerate refugee status determination under UNHCR's mandate.

26. In one country UNHCR set up joint screening procedures with the authorities to identify refugees, so that those not found to be in need of international protection could repatriate to their country of origin. In another country joint screening procedures were undertaken to establish the continued need for protection of some individual refugees after a declaration of cessation of status. In both cases, UNHCR's aim was to ensure respect for the principles of *non-refoulement* and voluntary repatriation.

Providing advice and developing jurisprudence

27. UNHCR has advised authorities, courts and other bodies around the world on protection policy issues, as well as on the interpretation and practical application of the provisions of the international refugee instruments.[7] In the course of last year, UNHCR issued detailed general guidelines on a number of protection issues, including detention, relocation and cessation of refugee status. UNHCR continued to promote gender-sensitive asylum policies, notably during refugee status determination procedures, and prepared a checklist on the issue. Positive developments in this area include the recent adoption by some States of clear protection guidelines, including an interpretation of gender-related claims within the 1951 Convention definition.

28. Operation-specific protection guidance was also provided, for instance in the context of East Timor and Kosovo. To facilitate the efforts of States to provide protection in mass influx situations, UNHCR provided guidance on the eligibility of certain groups of refugees.[8] In Europe, UNHCR organized a series of seminars on eligibility questions for representatives of decision-making bodies and NGOs. The Office also responded to requests for country of origin information and advised on the 'returnability' of certain groups to

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[7]The issuance by UNHCR of a Handbook relating to procedures and criteria for determining refugee status and the dissemination (requested by States) of significant decisions on the determination of refugee status are important aspects of UNHCR's harmonizing role.

[8]UNHCR recently issued eligibility guidelines on asylum-seekers from Bosnia and Herzegovina, the Federal Republic of Yugoslavia, and from Chechnya (Russian Federation).

their country of origin. UNHCR declared a general cessation of refugee status in respect of pre-1991 Ethiopian refugees in Sudan.

29. In addition, UNHCR was involved in precedent-setting cases before courts, which resulted in positive developments. In one country the scope of protection has been widened through a liberal interpretation of membership of a particular social group to include persecution on the basis of sexual orientation. In another country the court overturned previous practice by ruling that persons persecuted by non-State agents were within the ambit of the 1951 Convention.

Staff development

30. As part of intensified efforts to enhance their competence, 528 staff members received protection training, which included refugee status determination, and protection of refugee women and children. Another 173 staff benefitted from protection briefings at Headquarters. UNHCR is currently developing a comprehensive protection learning programme, which aims at providing staff members with the necessary knowledge, skills and attitudes. Also, in the context of increased integration of protection into all components of field operations, UNHCR is in the process of developing a standardized list of sample goals, objectives, indicators, and activities to assist protection staff in the field in both planning for protection and monitoring progress. This tool should help create a shared vision, encourage consistency and ensure a focus on the common goal of improving access to protection of persons of concern.

## III. REVITALIZING THE PROTECTION SYSTEM

### A. Background

31. The international system has been in a state of significant transformation since the end of the Cold War. There was hope that these changes would result in the strengthening of international law and multilateral approaches to address international problems. Developments have not, however, fully realized this hope. Concerns over irregular migration, trafficking, abuse of asylum procedures, and the difficulties in dealing with rejected cases have led a number of States either to redefine the legal framework offering refugee protection and to bring migration control concepts to the fore, or to de-emphasise the role of a structured international legal framework and rely increasingly on discretionary forms of protection. Some States in a number of regions have preferred to resort to ad hoc arrangements to address specific refugee situations. Advancing protection standards in such a context has posed challenges for UNHCR, but has also offered opportunities for revitalizing the protection system.

32. The international refugee protection regime is a dynamic body of universal and regional refugee law and standards, founded on the 1951 Convention and the 1967 Protocol, and complemented by international human rights and humanitarian law instruments, as well as national legislation and jurisprudence. Over the past decades it has constantly evolved to meet new challenges, and in that process, proven not only its relevance but also its resilience. Exploiting these features, UNHCR has sought in recent years to promote a more flexible, yet principled, application of existing instruments,

while working closely with States to develop progressively new approaches to refugee protection in the light of existing gaps and changing needs.

## B. Promoting existing international refugee law and standards

33. The 1951 Convention, complemented by the 1967 Protocol, forms a central part of the international protection regime. The 1951 Convention is a multilateral instrument of general and universal application, creating a special international legal regime for persons in need of international protection. For almost fifty years, the international refugee instruments have proven sufficiently flexible to respond to varied and changing circumstances. The fact that 139 States are now party to one or both of the universal refugee instruments is indicative of their continued importance. UNHCR's two-year global campaign to promote accession to international refugee instruments helped UNHCR offices in the field to focus on the reasons behind non-accession and to develop strategies to overcome the constraints. During the reporting period, Swaziland acceded to the 1951 Convention, while Georgia and Mexico acceded to both the 1951 Convention and the 1967 Protocol. The accession of several other countries to these instruments also seemed imminent.

34. Promotional activities undertaken by UNHCR have sought both to foster the effective implementation of international legal standards, incorporating these standards into national legislation and administrative procedures, and to gain public support by strengthening knowledge and understanding of refugee protection issues. Activities have included sharing documentation on protection principles and refugee law (often translated into the local languages); training of government officials, judges, prosecutors, peacekeeping forces, NGOs and journalists; and organizing or participating in seminars, symposia, round tables and conferences on refugee and related issues, often in close collaboration with other institutions, such as the International Institute of Humanitarian Law. One example has been the UNHCR-sponsored Regional Summer Course on International Law and Human Rights in Central Asia, held annually in Bishkek for participants from Central Asian countries. Some former participants are now working in areas directly connected with refugees or human rights in local NGOs, government structures or international organizations. Public awareness campaigns focussing on protection and endeavours to create an environment favourable to refugees and asylum-seekers were also actively encouraged, such as those organized jointly by the European Union and UNHCR in all member States of the European Union to counter xenophobia and intolerance against refugees. Similar campaigns are now underway in countries in Southern Africa, notably a "roll-back xenophobia" campaign, which has sought to address xenophobia by forging strong partnerships with local institutions and framing the protection of asylum-seekers and refugees in the broader context of human rights and national constitutional guarantees.

## C. Exploring new approaches to refugee protection

35. In its ongoing dialogue with governments, NGOs and academic institutions UNHCR has sought to gain better understanding of various State interests, and to explore ways in which a strengthened system of international protection for refugees might accommodate them. Addressing the dichotomy between the institutional responsibilities conferred on UNHCR, and

the tendency of States to accept more limited obligations has been a major challenge. In addition, there are diverging views on the interpretation of the refugee definition criteria. While a more flexible application of existing instruments may serve to bridge many perceived gaps in the protection system, UNHCR recognizes that it would not close them all. The 1951 Convention does not contain detailed provisions in a number of areas, such as procedural requirements, voluntary repatriation, family reunification, the special needs of refugee women and children, responsibility-sharing, or the mechanics of international cooperation. UNHCR has worked with States, notably through the Executive Committee, to address these issues and to promote the progressive development of international law and standards in these areas. Several years ago UNHCR instituted a process of consultations on measures to ensure international protection to all those who need it, with a view to exploring the development of guiding principles. These so-called "gap consultations" are being revived so that further progress can be made on basic understandings that were reached, for example, on the scope of protection in mass influx situations.

36. Regular consultations with States have resulted in the development of temporary protection as a practical tool to respond to sudden mass influx situations that could overwhelm existing asylum procedures. The response to the population displacements in south-eastern Europe is one such example where temporary protection has proven to be a useful tool to ensure admission. Further work on this concept will take place *inter alia* within the European Union harmonization process to which UNHCR makes an active contribution, as described in more detail in a subsequent sub-section. UNHCR has also developed its position on complementary forms of protection,[9] welcoming these mechanisms as pragmatic responses to certain international protection needs, and proposing their harmonization consistent with international refugee law and standards.

37. The dialogue on new approaches has also included a wide variety of subjects in the context of broader international migration issues, including interception measures and problems concerning the return of persons not in need of international protection, which impinge on the effective protection of asylum-seekers and refugees. UNHCR has advocated the effective management of refugee and migratory movements in a comprehensive way that upholds protection principles, while addressing national interests on migration issues. In support of efforts by States to address displacement in this comprehensive manner, UNHCR has actively participated in the work of the High Level Working Group on Asylum and Migration of the European Union since the beginning of 1999. This body was established in December 1998 to develop comprehensive plans of action relating to countries of origin of significant numbers of asylum-seekers arriving in Europe. UNHCR provides relevant background briefing and information on these countries and on relevant protection standards in order to facilitate the adoption of multi-faceted and integrated policies on displacement, which preserve distinct approaches to asylum and migration and ensure continued admission of asylum-seekers in European Union member states. The issue of interception is the subject of a

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[9] See *Note on Complementary Forms of Protection* (EC/50/SC/CRP.18), presented to the Standing Committee's 18th meeting.

separate Note[10] presented to the Standing Committee. In a related context, UNHCR has been actively involved in the drafting process for two Draft Protocols against smuggling of migrants and trafficking of persons, supplementing the United Nations Convention against Transnational Organized Crime, with a view to ensuring that their texts do not prejudice the international refugee law obligations. The return of persons not in need of international protection has been recognized by UNHCR as crucial for maintaining the credibility of the asylum-system. States have asked UNHCR to play an appropriate and supportive role in line with its humanitarian mandate in this area. In some cases, UNHCR was involved in monitoring the treatment of such persons upon return. In the case of unaccompanied minors whose asylum applications have been rejected, the Separated Children in Europe Programme, jointly implemented by UNHCR with International Save the Children Alliance, offers possibilities for family tracing and return for reunification purposes.

### D. Linking up with international human rights law and international humanitarian law

38. Recognizing the broader dimensions of refugee protection beyond the context of refugee law, UNHCR has continued to strengthen linkages between refugee law, human rights law and international humanitarian law, so that they can be better used for the protection of refugees and other persons of concern to UNHCR. The Office has done so by following closely the work of the Commission on Human Rights, its Sub-Commission and the various experts and groups reporting to it, as well as of the six human rights treaty monitoring bodies. UNHCR has also strengthened collaboration with regional bodies such as the European Court of Human Rights, the Organization for Security and Cooperation in Europe (OSCE), the Organization of African Unity (OAU), and the Asian-African Legal Consultative Committee (AALCC) to reinforce their understanding of refugee protection. Joint promotional activities have been undertaken, as outlined below, to raise awareness and illustrate the strong inter-linkages between legal regimes. In the case of the OSCE, this collaboration has entailed joint efforts aimed at monitoring, reporting and intervening in respect of returnees and minority groups in south-eastern Europe. For the first time, the European Court of Human Rights invited UNHCR in 1999 to submit a written intervention in relation to an application submitted by an asylum-seeker. In addition, UNHCR has promoted the inclusion of provisions favourable to refugees in human rights instruments, most recently in the context of the Draft Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict.

### E. Promoting harmonized regional approaches

39. Harmonized regional protection approaches are an important means of strengthening the international refugee protection regime. UNHCR's active participation in the design of these regional approaches has sought to guarantee consistency with universal standards and to ensure burden sharing and international solidarity, while responding to specific regional concerns.

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[10]See *Note on Interception of Asylum-Seekers and Refugee* (EC/50/SC/CRP.17) presented to the Standing Committee's 18th meeting.

Africa

40. The emergence of new refugee problems in Africa in the sixties inspired not only the 1967 Protocol but also the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa. The OAU Convention is so far the only legally binding regional refugee instrument complementary to the 1951 Convention, and the strongest example of a regional harmonization endeavour consistent with the universal refugee instrument. In March 2000, a special OAU/UNHCR meeting was held in Conakry to commemorate the 30th anniversary of the OAU Convention. This meeting of experts adopted a comprehensive implementation plan, which included detailed proposals for action ranging from accession to international instruments and their effective implementation, training and promotional activities, to institutional arrangements for follow-up by UNHCR, as well as by the OAU. In addition, UNHCR has increased its efforts to inject international refugee protection considerations into the structures of sub-regional organizations, such as the Economic Community of West African States (ECOWAS), the Intergovernmental Authority on Development (IGAD), and Southern African Development Community (SADC).

Latin America

41. The 1984 Cartagena Declaration on Refugees, reinforced by the 1994 San Jose Declaration on Refugees and Displaced Persons, is a key regional instrument, of which the provisions have been reflected in the national legislation of many of the States concerned. It constitutes another model of a harmonized approach, which has provided useful guidance for State practice and helped address problems of forced displacement in the region. With this in mind, UNHCR has developed a comprehensive regional strategy, aimed at consolidating local and regional asylum structures and ensuring that the specific needs of refugees and asylum-seekers continue to be addressed in the context of human rights and migration policies. A key aspect of this comprehensive approach has been the building of national "protection networks" in civil societies.

Europe

42. In the context of the European Union harmonization process, the Amsterdam Treaty of the European Union which came into force on 1 May 1999, specifies that asylum law and policy should be harmonized and brought into binding European law within five years from that date. In a welcome development, the Presidency Conclusions of the European Council held in Tampere, Finland, in October 1999 set a positive tone for the development of a European asylum system by recognizing the primacy of the 1951 Convention, including its full and inclusive application. The declared intention is to move beyond minimum levels of harmonization and to aim for a common system both in terms of asylum procedures and, eventually, a uniform refugee status. European States have played an important role in crafting the international refugee protection regime, which places a special duty on these States to harmonize substantive and procedural aspects of asylum law and policies in a manner that enhances, not reduces refugee protection globally. In line with a Declaration to the Final Act of the Treaty of Amsterdam relating to consultations with UNHCR, the Office actively contributes to the harmonization process by providing detailed policy and legal opinions on the

various draft texts, as well as by preparing substantive background documentation both on State practice and on relevant international refugee law standards.

43. Elsewhere in Europe, the Council of Europe has been the main actor coordinating regional cooperation on asylum and refugee matters, in active cooperation with UNHCR. Both organizations have undertaken a number of joint activities relating to refugee law and nationality issues, including a Colloquy on the European Human Rights Convention in May 2000. Apart from its active participation in committees relating to nationality matters, UNHCR has also regularly attended the Ad Hoc Committee of Experts on the Legal Aspects of Territorial Asylum, Refugees and Stateless Persons, and contributed to the drafting of recommendations on asylum and refugee policies in Europe, including temporary protection.

## IV. DURABLE SOLUTIONS FROM A PROTECTION PERSPECTIVE AND IN-COUNTRY PROTECTION ACTIVITIES

44. The ultimate goal of international protection must be to achieve a satisfactory solution for the refugee. If the preferred solution of voluntary repatriation is not feasible, the other durable solutions of local integration or resettlement should be pursued.[11] UNHCR is only one of several actors in the process leading to lasting solutions to problems of forced displacement. As part of its strategy to pursue comprehensive solutions to refugee problems, UNHCR has increasingly become involved with in-country protection activities on behalf of internally displaced persons in selected locations. The following paragraphs describe in more detail the role of protection in relation to these three solutions, as well as in the context of in-country protection activities and with regard to situations of statelessness.

### A. Voluntary repatriation

#### Background

45. The search for solutions has generally required UNHCR to promote, with governments and with other international bodies, measures to establish conditions that would permit refugees to return safely to their homes and to make a free and informed choice. This has entailed the identification of a number of actions required to ensure sustainable return, based on a thorough knowledge of the communities, their leaders, political processes underlying eventual movements and the legal and administrative obstacles that hinder their return. Creating actual conditions for return, however, remains fundamentally a political process going well beyond the capabilities of UNHCR. Return has been used in certain countries as the sole vehicle to achieve ethnic integration, promote multi-ethnicity and eventually reconciliation, but in the highly politicized context in which it often occurs, caution must be exercised to ensure that proper protection standards are respected. Equally, premature return has occurred in a number of situations as a result of asylum fatigue. Return is seen by UNHCR as one of the means through which the restoration of national protection may be ensured

[11] See also paragraph 12 of A/AC.96/830 and paragraph 6 of A/AC.96/750.

in a way that international protection ceases to be necessary. This is the standard against which the prospects for return must be measured.

46. Over the past year UNHCR has played a leading role in facilitating and coordinating voluntary repatriation, including through support for national protection and the provision of assistance to returnees during the process of reintegration and rehabilitation in a number of places, such as Afghanistan, Cambodia, East Timor, south-eastern Europe, Liberia and Somalia. In one region, five years after a major Peace Accord, a more favourable climate now prevails for achieving durable solutions for the many displaced by the conflicts there. However, the continuing inter-ethnic divide in some areas has also led to fresh displacements. In another region, large numbers of refugees have returned home under difficult circumstances that have included intimidation and coercion. Secure and unhindered access by UNHCR to refugees in the country of asylum has been a major challenge in this situation.

47. In almost all of these situations, return has often taken place in less than ideal circumstances. While UNHCR has continued to support spontaneous return movements, sustainable solutions with adequate guarantees of protection will only become a reality if the international community is prepared to commit itself to a substantive and prolonged engagement to reinforce local efforts. Ensuring respect for human rights, rebuilding the infrastructure, restoring normal economic, social and political life, rehabilitating the judicial system and bringing long-term stability are daunting tasks. The selective and disparate attention of the international community to post-conflict situations needs to give way to a more even-handed response to calls for support in other compelling situations.

48. Against this background, the following paragraphs briefly describe UNHCR's standard practice and main activities in these and other voluntary repatriation operations from a protection perspective.

Concluding voluntary repatriation agreements

49. The conclusion of agreements on voluntary repatriation between UNHCR and States concerned has been an important precursor to most organized voluntary repatriation operations. Apart from reinforcing the voluntary character of repatriation, these agreements translate the respect for the right to return into operational modalities that ensure respect for minimum protection standards for return. They cover arrangements for assessment visits, UNHCR's monitoring role, international access, the reintegration process (including amnesties, exemptions from military service and the recognition of civil status) and confidence-building initiatives, especially at the early stage. Most recently, the signing of a Tripartite Agreement between Eritrea, Sudan and UNHCR in April 2000 paved the way for the voluntary repatriation of some 140,000 Eritrean refugees, who had been in exile for a prolonged period. The agreement sets out the legal framework for the return and reintegration of one of Africa's oldest refugee caseloads. Recent events in the sub-region have led, however, to a temporary postponement of the organized repatriation.

Monitoring the treatment of returnees

50. The monitoring of returnees often occurs in cooperation with other actors. Examples of innovative monitoring arrangements are found in Bosnia and Herzegovina, where UNHCR established an inter-agency framework on returnee monitoring and conducted several detailed returnee assessment studies. In Afghanistan and elsewhere, a strategy for returnee monitoring and an interview form specifically tailored to the various contexts have been developed. In these countries, UNHCR has systematically monitored the situation of returnees by conducting individual interviews with returnee families. These and other returnee monitoring operations have been designed to obtain accurate and up-to-date information on the situation in the country of origin to enable prospective returnees to make a free and informed choice; monitor the consequences of return and, where necessary, intervene with the authorities on behalf of returnees; improve conditions so that they will be conducive to return; and ensure the sustainability of repatriation by designing appropriate reintegration schemes. To strengthen its own effectiveness, UNHCR recently issued guidelines on returnee monitoring to its field staff, including sample questionnaires. A total of five workshops on returnee monitoring were organized in 1999 in different geographic regions, bringing UNHCR staff and operational partners together in this process.

Presence in the country of origin

51. A substantial and engaged field presence in the country of origin has served as an important protection function in repatriation operations. UNHCR's fieldwork has variously entailed the following: assessing the needs of communities; identifying a range of actions required at the regional, national and local levels to enable sustainable solutions; identifying patterns of return; facilitating dialogue between community leaders and local authorities; organizing assessment visits; designing innovative confidence-building measures (bus lines, women's initiatives, legal aid centres, awareness and capacity-building); negotiating with local authorities in order to create a more favourable climate for return; fostering ties between communities; and intervening in favour of a legal, administrative and social framework conducive to return. In some instances, continuous international presence has prevented the occurrence of security incidents directed against returnees, or at least enabled an appropriately documented follow up with the authorities and provided tremendous psychological support for vulnerable returnees in isolated areas.

52. A necessary precondition for the effective delivery of protection in such circumstances is the ability of UNHCR staff and of other humanitarian agencies to carry out their work in conditions of safety. The situations in Chechnya (Russian Federation) and West Timor are two recent examples where humanitarian staff have been exposed to high security risks. Dedicated measures by States and all concerned parties to safeguard the physical security of UNHCR staff and other humanitarian personnel remain an absolute necessity. In this context, States should consider expanding the application of the Convention on the Safety of United Nations and Associated Personnel to cover humanitarian personnel in all situations where their presence is required.

Assisting returnees, and in particular women and children

53. In addressing protection needs of returnee women, including their right to participate in public life, projects within the framework of the Bosnian Women's Initiative have played a pioneering role. These projects were among the first to break inter-ethnic barriers in Bosnia and Herzegovina. Nearly all of these projects set up women's teams of mixed ethnic background and many of them supported the return and reintegration process by closely monitoring their return. In Kosovo, many of the projects for women implemented so far address the special needs of women who survived sexual violence. Other projects increase the capacity to promote women's human rights in the areas of property, custody, right to education, etc. Projects focussing on income-generating activities have led to increased self-reliance among single headed households, allowing these families to remain in their present localities. In Afghanistan, in order to advance the women's right to education, UNHCR, in collaboration with UNESCO, NGOs and the local authorities, has initiated "home-based" schools. There are 13 such schools in Kandahar staffed with 35 female teachers.

54. Consistent with its particular protection focus on returnee children's needs, in Afghanistan, UNHCR funds a project for street children. The project comprises pre-school and hygiene education, and includes skills training. In an attempt to strengthen the availability of formal or informal education in Afghanistan, UNHCR's programme has also included the provision of textbooks and other school material for children, rehabilitation of schools and training of teachers. In some countries, UNHCR, in cooperation with UNICEF and other agencies, has also been actively involved in rehabilitation and social reintegration programmes for returnee children. A prominent example in this regard is the ongoing Liberian Children's Initiative, which, starting in 1998, has addressed specifically the special needs of returnee children, *inter alia*, by facilitating access to education and training, and by supporting the functioning of the juvenile justice system.

55. In countries where legal systems need to be revived, or where traditional legal structures are ineffective or inaccessible to returnees, UNHCR has often participated in major legal reform projects to identify and work towards removing legal and administrative barriers to return. A prominent example of such legal reform is the case in Bosnia and Herzegovina, where, in close cooperation with other organizations, UNHCR has successfully provided expert advice and technical support for the drafting of legislation related to property, displacement, citizenship, documentation and return. In Central America, UNHCR promoted legal reforms to enable women to exercise property rights. Other examples include UNHCR support to the judicial system and training programmes with NGOs for women on issues relating to property and succession rights in Rwanda. In Tajikistan, a judicial assistance programme has been implemented, involving modest material support for building an independent judiciary and legal system. This included the establishment of a panel of experienced judges to train their colleagues, low-cost publication of relevant laws and provision of legal textbooks for government departments, judges, prosecutors and the national library.

56. A further illustrative example, which also shows how an assistance project can be harnessed for protection purposes, is a demining project in

Cambodia. In the absence of an effective property law framework, availability of and legal entitlement to land remains one of the principal protection issues for returnees and the internally displaced. To address some of these problems, UNHCR has devised a project whereby the demining agencies and the local authorities would essentially issue documentation in respect of the sites under consideration, confirming that the land in question would be employed exclusively for the reintegration of returnees. In the absence of official surveys or land titles, these certificates constitute the only documentation containing the location of demined land and the recognition of the rights of the returnees to it. Originals of these documents are entrusted to the beneficiaries themselves and the local authorities for record keeping.

## B. Local integration

57. In protracted refugee situations, return home may not be a viable option in the foreseeable future. While UNHCR has continued efforts to promote return opportunities for those wishing to return in such situations, the Office has also promoted other solutions for those, who, for valid protection reasons, including severe trauma, or because of long-term stay in host countries, are unable or unwilling to return. In a positive development, several countries in Africa and Latin America have announced during the reporting period that they would locally integrate the residual caseloads of refugees with UNHCR's support. UNHCR's activities in the area of local integration have included advocacy for the granting of permanent stay, as well as small-scale integration assistance, such as housing and employment packages.

## C. Resettlement

58. Apart from being a protection tool, resettlement has increasingly become an instrument of responsibility-sharing and a durable solution in specific circumstances. The traditional resettlement countries continue each year to provide international resettlement opportunities to some 30,000 UNHCR-referred refugees throughout the world, particularly in the Middle East and, increasingly, in Africa. In a welcome development over recent years, Argentina, Benin, Brazil, Burkina Faso, Chile, Iceland, Ireland and Spain joined the list of countries willing to provide resettlement opportunities both as a protection tool and a durable solution. Countries, willing to accept refugees for resettlement in a spirit of responsibility-sharing, have made an important contribution to strengthening first asylum and resolving long-standing refugee problems in a growing number of situations.

59. Internally, UNHCR has continued to review its resettlement policies, criteria, procedures, implementation capacities and cooperation arrangements, in close consultation with resettlement countries and NGOs. This has already resulted in a more systematic and proactive case identification, which has enabled a stronger protection orientation and a wider coverage of resettlement needs all over the world. The criteria and procedures for resettlement are outlined in the *UNHCR Resettlement Handbook*, which is frequently updated. In 1999, the development of two new resettlement training modules and the organization of ten resettlement training seminars around the world, targeting UNHCR staff and operational partners, ensured a

wider dissemination of policies and contributed to a consistent application of standards.

60. In addition, the implementation of resettlement programmes, appropriately built into regional strategies, has had the effect of enhancing protection in certain regions. For instance, the UNHCR Middle East Resettlement Project developed a more comprehensive and consistent approach to resettlement from the Middle East. A project with similar objectives has been initiated for Eastern Europe. UNHCR has also taken care to pay particular attention to the resettlement of individual refugees with special protection needs, including women-at-risk, minors, elderly refugees and survivors of torture. In Pakistan, for instance, UNHCR is in the process of developing an NGO resettlement referral system to identify better refugees with special needs. In close collaboration with resettlement countries and NGOs, UNHCR has also embarked on a process which will lead to the convening of a major International Conference on the Reception and Integration of Resettled Refugees next year.

### D. Internally displaced persons[12]

61. Other UNHCR in-country protection activities, while conceptually different from international refugee protection, are usually related to situations where there is a strong linkage with refugee outflows or to refugee return. Such UNHCR engagement is carried out with the consent of the national authorities, which have the responsibility of protecting all citizens, and in recognition of the similar and often indistinguishable protection needs of refugees or returnees and internally displaced persons, as well as of the protection role that UNHCR might play for both. It has also the advantage of making UNHCR a more credible and informed partner for States granting asylum and placing the Office in a better position to prepare for eventual return in case the circumstances generating the outflow change.

62. In one country in Latin America, for instance, while contributing to a collaborative United Nations approach to the problem of internal displacement, UNHCR has also sought to ensure the upholding of asylum principles in neighbouring countries. In another country in Asia, UNHCR's involvement with the internally displaced originated from its role of facilitating the voluntary repatriation of refugees. In this case, UNHCR has sought to minimize the impact of internal displacement through its active field presence and support in areas of relative safety, dialogue with the parties to the conflict, monitoring of the situation of internally displaced and by exploring possibilities for safe return. In another country in Europe, the delivery of emergency relief by UNHCR to displaced persons fleeing armed conflict has taken place in a highly complex political and security context. UNHCR, through its field presence, has been able to identify and work on a number of protection issues confronting the internally displaced, such as severe trauma, lack of documentation and access to basic services. Creating safety outside the area of conflict, essentially by supporting host communities, providing psychosocial counselling, mine awareness training and working actively with the authorities to improve the

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[12]See also UNHCR's policy paper on *Internally Displaced Persons: The Role of the United Nations High Commissioner for Refugees* (EC/50/SC/INF.2), which was issued in March 2000 and presented to the Standing Committee's 18th meeting.

legal status of the internally displaced so that they have better access to services, have been part of UNHCR's response in this situation. In developing its protection strategies for the internally displaced, UNHCR has drawn heavily on its experience with returnees.

63. An interesting example of proactive UNHCR engagement with internally displaced persons, including even persons at risk of displacement, over the past year is UNHCR's operation in Kosovo. UNHCR's involvement in this situation has been linked to the return process and to its specific role in relation to internally displaced persons in the former Yugoslavia.[13] The various activities carried out in this situation, particularly in relation to minority groups, provides an interesting model of UNHCR in-country protection activities. They have taken place within an inter-agency framework that has managed to maximize the capabilities of the international community in a coordinated manner. To ensure respect for the rights of minority groups, UNHCR has been at the forefront of designing creative methods for increasing security, such as the installation of a hotline between lead agencies and the security apparatus. A special humanitarian distribution network for needy minority groups, often displaced, including interim systems for providing medical care, has been an important element of these activities. Freedom of movement for isolated minority communities has improved with the commencement of bus-shuttle programmes.

## E. Stateless persons

64. Statelessness and unclear nationality status have become an important concern in a growing number of regions. Activities to reduce statelessness are an essential means of making protection more effective by instituting national protection where none existed before.[14] Despite limited resources, UNHCR has managed to continue to provide technical and advisory services to States on a number of nationality laws and their implementation. A total of 11 training workshops on statelessness for UNHCR staff, government officials, practitioners and operational partners were also held around the world during the reporting period. Extensive cooperation has been undertaken with other concerned organizations, such as United Nations agencies and regional bodies, especially the Council of Europe. Recently, the Department of International Protection has started debriefing consultations with individual States to review national regimes in light of developments in international law. This is in addition to regular activities towards the acquisition of legal status for stateless persons in their countries of residence. An interesting operational development has been, for instance, the UNHCR-organized campaign in the Crimea in 1999, which facilitated the acquisition of Ukrainian citizenship for those Crimean Tatars seeking to confirm their status. This experience may well serve as a model for other groups. Additionally, for the first time, consultations on statelessness issues took place in the Horn of Africa.

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[13] See also joint UNHCR/OSCE assessment reports on the situation of ethnic minorities in Kosovo.

[14] In relation to statelessness, UNHCR provided a progress report last year which focussed on its activities to assist and protect stateless persons as part of its protection responsibilities (EC/49/SC/CRP.15), presented to the Standing Committee's 15th meeting.

65. The ongoing campaign for accession to the statelessness instruments has also opened a new dialogue with States and paved the way not only for the establishment of a legal framework, but also for consultations on implementation. In an encouraging development, Chad, Latvia, Lithuania, Mexico, St. Vincent and Grenadines, Slovakia and Swaziland acceded to the 1954 Convention relating to the Status of Stateless Persons. This brings the total number of States party to this instrument to 52. With Chad, Slovakia, Swaziland, and Tunisia acceding to the 1961 Convention on the Reduction of Statelessness, 23 countries are at present States parties to this instrument. In view of the growing demands on UNHCR in this area, UNHCR is currently in the process of reviewing its role and activities in relation to statelessness issues. The results of this evaluation will be shared with the Executive Committee in due course. The availability of sufficient resources for this important function remains a matter of concern.

## V. PARTNERSHIPS

66. To meet these many challenges, UNHCR has strengthened and broadened its partnerships to work on protection issues with a wide variety of actors, ranging from States, intergovernmental and non-governmental organizations, judges, parliamentarians and journalists, to the military, peacekeeping forces and the corporate sector. Supporting linkages among NGOs, academic and other concerned actors in the north and the south is also an important feature of partnership arrangements for UNHCR. Partnerships underlie all the international protection activities of UNHCR reflected in the preceding paragraphs. The following examples illustrate interesting new models in this area.

67. UNHCR vigorously continues to pursue its efforts to promote collaboration on refugee protection through the "Reach Out" consultative process. Initiated in 1998, this process was broadened over the course of last year to engage a wide range of NGOs and other entities in a series of dialogues on the nature and dimensions of the current protection challenges, where the main problems lie and what States and organizations might do together with UNHCR to ensure improved and sustained support for protection principles. A series of consultations with national NGOs from the Asia/Pacific region and from Africa were held in Bangkok in November 1999, and in Nairobi in April 2000, respectively. Recommendations emerging from these discussions related mainly to the establishment of an improved information-sharing network, UNHCR assistance in developing national legislation that would give NGOs a sound legal basis from which they can operate and more protection training for NGO staff. A *Protection Field Guide for NGOs* was also published in 1999. Plans are now underway to develop a multi-year protection-training programme, on the basis of this Guide, targeting staff of operational partners. A major objective of the Reach Out process has been to encourage collaboration between human rights and humanitarian assistance NGOs to address refugee protection problems in the field, in coordination with UNHCR. The vast field presence of humanitarian NGOs, although more focussed on reconstruction efforts or the delivery of relief items, has proven to be very valuable for monitoring and reporting on protection issues at the community level. The process has also promoted and supported stronger collaboration between national and international NGOs.

68. The Reach Out process also aims at identifying the potential, and developing the ways and means, for cooperation with the multinational corporate sector with regard to the legal and ethical complexities of refugee protection. This process, which is currently underway, has so far focussed on carrying out, in collaboration with other institutions, a mapping exercise correlating major refugee situations and the programmes and activities of the corporate sector worldwide; drawing lessons from the experience of organizations analysing the role of the corporate sector in situations of conflict; preparing protection-related material for the corporate sector working in countries of origin; and identifying a possible network of corporate officers who could serve as focal points for cooperation. This will form the basis for constructive partnerships in this area.

69. UNHCR also worked to strengthen networks of national judges dealing with refugee issues. This endeavour followed clear recognition of the need for strong and supportive judiciaries, both in countries of asylum and countries of origin. At the international level, UNHCR concluded last year a memorandum of understanding with the International Association of Refugee Law Judges (IARLJ), which has served in part as the basis for a series of joint conferences and workshops for national judges in different parts of the world. An immediate and positive consequence of this network is that national judges have taken a number of interesting decisions on refugee issues, advancing international refugee protection. The network has also encouraged the sharing of information and promoted capacity-building among judicial personnel worldwide through research initiatives, publications and training. For instance, in March 2000, the refugee status authority in New Zealand inaugurated the Australasian Chapter of the IARLJ. For similar reasons, UNHCR has strengthened ties with a number of national human rights commissions and ombudsmen.

70. In terms of working in partnership with key local structures, an interesting example is UNHCR's low cost civil society "protection network" in the Caribbean. The network is composed of prominent community leaders affiliated with organizations that are concerned with issues such as human rights, migration and social welfare. UNHCR has appointed these individuals as "honorary liaison" persons whose function it is to monitor the arrival of asylum-seekers, assist refugees to access legal assistance and basic services, and facilitate UNHCR's contacts with the national authorities. In one case, they proved quite instrumental in securing State accession to an international statelessness instrument. Also by way of example, in South Africa, UNHCR supported the establishment of a National Refugee Consortium at the central level and National Refugee Forums at the provincial level. These various bodies bring together the Government of South Africa, the national Human Rights Commission, UNHCR and, above all, civil society institutions especially NGOs. Their responsibilities include influencing policy and legal matters relating to refugees. In the particular case of the Forums, they have responsibility for many aspects of the care of refugees, including social casework. In South-Eastern Europe, a wide network of Legal Aid and Information Centres operated by local and international NGOs has proven very successful. These centres have provided information on access to human rights, essential services and entitlements, and offered legal advice, including legal representation regarding citizenship, property, social welfare, pensions, legal documents and asylum laws. They have also served a monitoring function, supplementing UNHCR's understanding of the situation of

populations of concern to the Office. Mobile legal clinics have provided outreach legal assistance in isolated areas. The centres have been instrumental in assisting vulnerable returnees to regain their employment.

## VI. CONCLUDING OBSERVATIONS

71. Honouring the 50th anniversary of UNHCR, this year's Note has focussed on UNHCR's core function of international protection and the measures taken by the Office to make protection effective. UNHCR's protection function covers a whole spectrum of activities, ranging from admission, reception, and treatment of refugees to ensuring protection-oriented solutions and developing new approaches. The strong operational focus of UNHCR's international protection activities, coupled with the fact that UNHCR does not have to be invited to become involved in protection matters, has made UNHCR's mandate distinct, even unique, within the international system. This does not, however, in any way diminish the primary role and responsibilities of States towards refugees, particularly to guarantee their rights, safety and well-being in countries of asylum. International protection ends only with the attainment of a durable solution, ideally through the restoration of protection by the refugee's own country.

72. Providing international protection will remain both a policy and an operational challenge. Faith in fundamental human rights and in the dignity and worth of the human person remains at the heart of international protection. This faith will need to be translated constantly into action in today's rapidly changing international environment. The 50th anniversary of UNHCR's existence this year, and next year's anniversary of the 1951 Convention, provide an important opportunity to take stock of developments to date, to restate and reinforce the commitment to fundamental international protection principles and to look ahead by exploring possibilities to improve and advance the system of protection. UNHCR will continue to provide a forum for multilateral dialogue and consensus building in the area of forced displacement on the basis of international protection principles and with a view to designing practical responses to complex protection issues. Continued State cooperation with UNHCR in matters relating to international protection, including the implementation of international instruments relating to refugees, will remain key to successful accomplishments in this area. UNHCR looks forward to continuing its cooperation with States, international organizations, NGOs and other partners in this important endeavour of making protection effective.